

**SENATE BILL NO. 2197
with House Amendments**

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2197

Introduced by

Senators Lee, Cook

Representatives Delmore, Huether, Koppang, B. Thoreson

1 A BILL for an Act to amend and reenact subsection 1 of section 11-07-04 and section 44-02-05
2 of the North Dakota Century Code, relating to the terms of office of members of the board of
3 county commissioners and vacancies in boards of county commissioners.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 11-07-04 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. When redistricting is completed or if failure to redistrict requires at large election of
8 commissioners as provided in section 11-07-03, all commissioners then holding
9 office who will be elected in the same manner, either from districts or at large, as
10 they were elected at the last election shall complete the remainder of that term of
11 office. However, an election must be held at the next general election in any
12 district where redistricting places two or more holdover commissioners in that
13 district or leaves a district without a commissioner residing in the district. In those
14 counties retaining the same method of electing county commissioners as that
15 utilized ~~prior to~~ before a decennial, or other, redistricting, elections ~~shall~~ must
16 continue on a staggered basis in accordance with the same classes in force ~~prior~~
17 ~~to before~~ the effective date of a redistricting ~~under this chapter~~. At the first general
18 election following redistricting of the county or election of commissioners at large,
19 the county commissioner offices held by commissioners whose terms would end in
20 the month of ~~January~~ December following that general election ~~shall~~ must be open
21 for election.

22 **SECTION 2. AMENDMENT.** Section 44-02-05 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **44-02-05. Vacancy in board of county commissioners - How filled.** When a
2 vacancy occurs in the board of county commissioners, the remaining members of the board,
3 with the district judge ~~servi~~ng selected by the remaining county commissioners and auditor the
4 sheriff, immediately shall appoint some suitable person to fill the vacancy from the district in
5 which the vacancy occurred. If a majority of the officers fails to agree upon a person to fill the
6 vacancy, the county treasurer ~~shall~~ or, if the county does not have an elected treasurer,
7 another elective county officer must be called in and shall act as an additional member of the
8 board to fill the vacancy. The appointee holds office until the appointee's successor is elected
9 at the next general election and qualified.